IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 18443 of 2007(U)

PETITIONERS:

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1. **RENJITHLAL K.P., P.D.TEACHER, G.W.U.P.SCHOOL, THRIKKULAM, PARAPPANANGADI, MALAPPURAM DIST.**

2. **SIVANANDAN V.M., P.D.TEACHER, G.V.H.S.S., PAYYANAKKAL, KALLAYI P.O., KOZHIKODE.**

3. **SHEENA.K., P.D.TEACHER, G.V.H.S.S., PAYYANAKKAL, KALLAYI P.O., KOZHIKODE.**

4. **SHEEJA.V., P.D.TEACHER, VENNACODE A.U.P.SCHOOL, KAVANOOR, KAVANNUR P.O., AREACODE VIA, MALAPPURAM DIST.**

5. **RANJITH KUMAR PLLITHARA, P.D.TEACHER, G.V.H.S.S, PAYYANAKKAL, KALLAYI P.O., KOZHIKODE.**

BY ADV. SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN
SMT.C.C.JANCY

RESPONDENTS:

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1. **THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM.**

3. **THE DISTRICT EDUCATIONAL OFFICER, KOZHIKODE.**

4. **THE DISTRICT EDUCATIONAL OFFICER, MALAPPURAM.**

BY GOVERNMENT PLAEDER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER,J

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W.P.(C).No.18443 of 2007

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Dated this the 19th day of June,2007

JUDGMENT

Learned counsel submits that the issue involved in this writ petition is covered in favour of the petitioners in view of Ext.P14 judgment. After considering the scope and ambit of Rule 88 and 91 A of Part 1 of Kerala Service Rules, this Court had held that a circular issued by the Government would not take away the benefit given to the employees under the statutory rules. It is seen from Ext.P2 order that while sanctioning leave, Government had imposed a condition that leave granted to the petitioners would not count for any service benefits including pension. The above condition may have to be reconsidered in view of the dictum laid down by this Court in Ext.P14 judgment. It is also brought to my notice that petitioners were granted leave without allowances to pursue the training course, before the amendment brought in to Rule 33 of Part 1 K.S.R in the year

2005. By the said amendment the proviso under Rule 33 (b) had been deleted.

2. Anyhow I do not propose to deal with the various contentions raised by the petitioners in view of the limited prayer made by learned counsel for the petitioners at the Bar. He submits that petitioners will be satisfied, if a direction is issued to respondent no.1 to reconsider the matter in the light of Ext.P14 judgment. I find considerable force in the above contentions.

Therefore, the writ petition is disposed of with a direction to respondent No.1 to reconsider the matter and pass fresh orders strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment. It is made clear that I have not considered the factual aspects of the case. It will be open to the authority concerned to verify the records and take an appropriate decision keeping in view Ext.P14 judgment. Petitioners shall produce a certified copy of this judgment along with a copy of the writ petition before respondent No.1 for

compliance. Needless to mention that petitioners shall be afforded sufficient opportunity to be heard before any decision is taken in this matter.

A.K.BASHEER,JUDGE

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